

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re:

Roy Daher  
Ellen M. Wojtal

Chapter 13  
Case No.: 10-22765-RDD

Debtors

---

**STIPULATED ORDER RENDERING CLAIM UNSECURED**

**WHEREAS**, Roy Daher and Ellen M. Wojtal (the “Debtors”) having moved this Court pursuant to 11 U.S.C. Section 105(a) and 11 U.S.C. Section §522 of the Bankruptcy Code to reclassify and avoid a lien held by Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates and reclassifying the lien as a general unsecured claim; and

**WHEREAS**, Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates is the holder of a Mortgage (the “Mortgage”) dated April 7, 2006, in the original principal amount of \$149,000.00 signed by the Debtors and secured by real property commonly known as 37 Husted Lane, West Nyack, NY 10994 and recorded May 3, 2006 in the Rockland County Clerk’s Office, and

**WHEREAS**, Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates and the Debtors have agreed to a resolution of the Debtors’ intent to void the second mortgage and said agreement being evidenced by signatures herein of counsel for the parties, and the parties having requested that the Court enter this Stipulated Order (the “Stipulated Order”), it is hereby

**ORDERED**, that the Mortgage is hereby deemed wholly unsecured; and it is further

**ORDERED**, that upon completion and discharge of the Chapter 13 plan, the security interest claimed by Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates shall be deemed null, void, avoided, and released, and it is further

**ORDERED**, in the event the Debtors refinance or sell the Mortgaged Premises during the course of the Chapter 13 plan and/or prior to discharge, Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates and/or its successors and/or assigns shall have the right to reevaluate its secured position to determine if the valuation is still appropriate and upon agreement by the parties as to secured valuation, Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates and/or its successors and/or assigns will then issue a mortgage satisfaction to allow the refinance or sale of the property; and it is further

**ORDERED**, that in the event that the Debtors' instant Chapter 13 Bankruptcy Case is dismissed prior to its completion, withdrawn, or converted to any other case under Title 11 of the United States Code, the instant Stipulated Order, shall upon such dismissal, withdrawal or conversion be rendered void and unenforceable and Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates, its successors or assigns shall retain all rights under the Note and Mortgage, including its/their secured lien status, and it is further

**ORDERED**, that within 90 days of the date Debtors having secured a discharge in the above captioned Chapter 13 and the above Chapter 13 case is closed, Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates, its successors or assigns shall forward a Satisfaction of the Second Mortgage to the County Clerk of Rockland County, New York; and it is further

**ORDERED**, that in the event of a foreclosure by the senior lien holder that results in surplus

moneys prior to the completion of the Chapter 13 plan, the instant Stipulated Order is rendered void and unenforceable and Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006-FRE1 Asset-Backed Pass-Through Certificates, its successors or assigns shall retain all rights under the Note and Mortgage, including its/their secured lien status and to apply for surplus monies and/or participate in the surplus monies proceedings, and it is further

**ORDERED**, that Debtors' counsel who is a signatory to the instant Stipulated Order shall be forwarded a copy of the satisfaction of mortgage along with said satisfaction being forwarded for filing to the County Clerk of Rockland County, New York, and it is further

**ORDERED**, that in the event that Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006- FRE1 Asset-Backed Pass-Through Certificates does not execute and deliver to the Debtors any termination statement, or other document that is or may be required to by law to release and discharge the second Mortgage, the Debtors shall be permitted to use the attached order along with the Order of Discharge as authorization for termination and release of the second Mortgage, and it is further

**ORDERED**, that a fully executed copy of the Stipulated Order shall be deemed the original for the purposes of filing the same with Court, and that facsimile signatures shall have the same force and effect as the original signatures, and it is further

**ORDERED**, that the foregoing represents the entire agreement of the parties and no modification, amendment or extension thereof shall be valid unless in writing, signed by all signatories to this Stipulated Order.

Agreed and consented to:

Dated: July 11, 2011  
Spring Valley, New York

/s/ Joshua N. Bleichman  
Joshua N. Bleichman, Esq.

Attorney for Debtors  
268 Route 59 West  
Spring Valley, New York 10977

Dated: July 12, 2011  
Amherst, New York

/s/ Natalie A. Grigg  
Natalie A. Grigg, Esq.  
Attorney for Wells Fargo Bank, N.A., as Trustee for  
Carrington Mortgage Loan Trust, Series 2006- FRE1  
Asset-Backed Pass-Through Certificates  
STEVEN J. BAUM, P.C.  
220 Northpointe Parkway, Suite G  
Amherst, New York 14240-1291

**SO ORDERED**

Dated: July 14, 2011  
White Plains, New York

/s/Robert D. Drain  
Hon. Robert D. Drain  
United States Bankruptcy Judge